SOUTH DELTA WATER AGENCY

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Via Fax (916) 653-6077

Mr. Paul Marshall
Department of Water Resources
Bay-Delta Office
1416 Ninth Street
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Re: SDIP Notice of Preparation - SDWA Comments

Dear Mr. Marshall:

The following are the comments of the South Delta Water Agency to the Notice of Preparation for the South Delta Improvements Program.

As background, DWR's operation of the Bank's Pumping Plant and the USBR's operation of the Tracy Pumping Plant lower water levels and alter flows in the South Delta. The low levels sometimes prevent local diverters from exercising their water rights, or their diversions are affected/interrupted such that they have increased diversion costs. The altered flows create null or stagnant zones where there is no unidirectional flow. These zones allow salinity levels to concentrate and when local diversions use the water, crop yields are affected. In addition, the operation of the CVP and SWP reservoirs decrease flows into the South Delta which affect the supply of water available in the Delta pool for diversion as well as the water quality of the Delta.

In 1982, SDWA sued DWR and USBR on these issues. The parties negotiated a settlement which included the installation and operation of three tidal barriers. These barriers were determined to be the only feasible method to mitigate some of the project effects. The settlement was never signed, but DWR undertook the Interim South Delta Program to pursue the permanent barriers. That program produced a draft EIR but was never finalized. The CALFED ROD created the South Delta Improvements Program, which incorporated the barrier program.

As you know, representatives of DWR, USBR, DFG, USFWS, environmental interests, export contractors, and SDWA have been meeting to discuss how and under what conditions the diversion rate at Clifton Court Forebay might be increased to 8,500 cfs. In the most recent meeting, all parties agreed that efforts to maintain and increase exports as well as efforts to protect fisheries from the effects of the export projects, must only be done in a manner such that South Delta beneficial interests are protected, and adequate water levels, quantity and quality are maintained. These principles require flexible operation of exports and barriers in order to maximize all interests. It is anticipated that this flexibility will require pumping additional water over the barriers to increase the amount of water available for diverters upstream of the barriers when San Joaquin River flow is low and export pumping hinders the ability of tidal barriers to capture high tide water. This pumping may also be needed to assist in increasing the flow down the main stem of the San Joaquin River.

The principles agreed upon at the 8,500 cfs meetings can be implemented in accordance with the August 19, 2002, Memorandum by Mr. Alex Hildebrand. That Memorandum describes what actions need to be taken or might be allowed under differing hydrologic conditions in order to provide the appropriate protection for South Delta beneficial uses. The framework set forth in the Memorandum allows the parties to protect South Delta beneficial users and fisheries, and maximize export capabilities for both exports and fishery interests. However, the principles requires that if South Delta diverters or fisheries will be impacted and mitigation cannot be done, exports must decrease until such protection is provided. This principle is required under endangered species and California water laws.

"Protection" and "adequate levels, quantity, and quality" are defined as follows. Adequate water levels are those water elevations necessary to allow existing local diversions and other beneficial uses. Adequate quantity is similar but also means the volume of water in the channels is sufficient to satisfy those same beneficial uses. The most prevalent such use is agriculture.

[illegible] one of the goals of this project must be to meet or better Water Quality Objectives.

The project purpose and description cannot simply be to improve water levels and quality in the South Delta. The barrier program is designed to mitigate certain effects of the CVP and

SWP. Less than complete mitigation is simply the transfer of project costs to South Delta diverters. The goal must be to fully protect them from the project effects. The project purpose and description therefore must be to maintain adequate water levels, quantity, and quality (as defined above). If the project purpose and description are just to "improve" those conditions, SDWA will be forced to oppose the project.

The project must also provide protection for diverters downstream of the tidal barriers who receive no benefit from their operation. Ongoing actions and investigations indicate that this might be accomplished through some combination of diversion modifications and dredging. Diversion modifications may require that existing syphons be replaced with pumps which will entail additional maintenance and electrical costs. It is important that all such actions be done at no cost to the diverters in order that they not end up paying for a portion of the mitigation to protect them. In addition, any diversion modifications must be done in a manner that would protect the diverter's existing water right and water right priority.

The project includes dredging to both facilitate the flow of water to the export pumps and to provide additional water depth for local diversions. Any such dredging must be done in a manner so as to not adversely impact non-dredged areas. Increasing channel capacity in one area can exacerbate water levels in adjacent non-dredged areas. It is expected that this dredging will minimize the times when tidal barrier operations are needed.

Approximately 250,000 cubic yards of sediment enters the South Delta from the San Joaquin River on an average annual basis. This sediment does and will continue to decrease the efficiency of the tidal barriers by affecting the amount of water they can trap. The inflow of sediment will also over time undo localized dredging done to provide relief for certain diversions. The program must therefore include a maintenance dredging component to keep the system operating as anticipated.

The EIR/EIS should also analyze how the barriers must be operated in order to protect boating and recreational fishing in the Delta channels. It is possible that there are times when diversion needs are insufficient to require water level protection but public trust requirements including recreation may require barrier operations.

Though not a project purpose, the program must examine its effects on dissolved oxygen (DO). Another Water Quality Objective in the area is the DO standard. Currently there are significant violations of this Objective in the San Joaquin River between the turning basin of the Stockton Deep Water Ship Channel and (approximately) Turner Cut. Recent data indicates that the DO Objective cannot be met without some minimum flow through the channel. At this time, it appears that the only way to attain such a flow in summer and fall is through barrier operations which direct the flow of the San Joaquin River through its main channel. The EIR/EIS should therefore examine the effects of barrier operations on dissolved oxygen, and how additional pumping of water over the barriers might affect the Objective.

Another effect of the use of barriers will be to reduce the load of imported salt that is drained into the San Joaquin River from the CVP's westside service area. This river salt load, in the absence of tidal barrier operation, is drawn back to the CVP pumps and re-exported. This recycling of salt makes it difficult to meet the salinity Objectives. It also increases the salt load in the Delta Mendota Canal. Furthermore, it precludes compliance with the proposed salinity Objective upstream of Vernalis unless this drainage is kept out of the river. The duration and timing of full operation of the tidal barriers and the fish barrier can reduce the river salt load. This will reduce the burden on the over committed New Melones Reservoir for dilution flows. The barriers direct more San Joaquin flow to the central Delta. However, they also reduce the salt load in the westside drainage to the river. This then avoids any increase in the salt load at the Contra Costa intake. We believe the EIR/EIS should examine the effect of barrier operation on the salt load and concentration throughout the water system, including the reduction of water quality releases from New Melones.

The SDWA looks forward to working with the SDIP personnel in the development of the EIR/EIS. It is our Agency's belief that the parties can move forward with a program that will adequately address the adverse effects of the CVP and SWP on the South Delta in a manner that will allow increased fishery protection as well as flexible export operations with the goal of increased exports. However, it continues to be SDWA's policy that local diversion needs have a priority over any level of exports.

Please call me if you have any questions or comments.

Very truly yours,

JOHN HERRICK

cc: Central Delta Water Agency
San Joaquin Co. Farm Bureau
Ms. Rogene Reynolds